



Senate

General Assembly

File No. 697

January Session, 2011

Substitute Senate Bill No. 1219

Senate, May 2, 2011

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE LEASING OF JUDICIAL BRANCH FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (d) of section 4b-3 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective July*
3 *1, 2011*):

4 (d) Notwithstanding any other statute or special act to the contrary,
5 the Commissioner of Public Works shall be the sole person authorized
6 to represent the state in its dealings with third parties for the
7 acquisition, construction, development or leasing of real estate for
8 housing the offices or equipment of all agencies of the state or for the
9 state-owned public buildings or realty hereinafter provided for in
10 sections 2-90, 4b-1 to 4b-5, inclusive, 4b-21, 4b-23, 4b-24, 4b-26, 4b-27,
11 4b-30, as amended by this act, and 4b-32, subsection (c) of section 4b-66
12 and sections 4b-67 to 4b-69, inclusive, 4b-71, 4b-72, 10a-95, 10a-72, 10a-
13 89, 10a-90, 10a-114, 10a-130, 10a-144, 17b-655, 22-64, 22a-324, 26-3, 27-
14 45, 32-1c, 32-39, 48-9, 51-27d and 51-27f, except that (1) the Joint
15 Committee on Legislative Management may represent the state in the

16 planning and construction of the Legislative Office Building and
17 related facilities, in Hartford; (2) the Chief Court Administrator may
18 represent the state in providing for (A) space for the Court Support
19 Services Division as part of a new or existing contract for an alternative
20 incarceration program pursuant to section 54-103b or a program
21 developed pursuant to section 46b-121i, 46b-121j, 46b-121k or 46b-121l,
22 or (B) other real estate needs of the Judicial Branch when delegated
23 authority to do so by the Commissioner of Public Works; (3) the board
24 of trustees of a constituent unit of the state system of higher education
25 may represent the state in the leasing of real estate for housing the
26 offices or equipment of such constituent unit, provided no lease
27 payments for such realty are made with funds generated from the
28 general revenues of the state; (4) the Labor Commissioner may
29 represent the state in the leasing of premises required for employment
30 security operations as provided in subsection (c) of section 31-250; (5)
31 the Commissioner of Developmental Services may represent the state
32 in the leasing of residential property as part of the program developed
33 pursuant to subsection (b) of section 17a-218, provided such residential
34 property does not exceed two thousand five hundred square feet, for
35 the community placement of persons eligible to receive residential
36 services from the department; and (6) the Connecticut Marketing
37 Authority may represent the state in the leasing of land or markets
38 under the control of the Connecticut Marketing Authority, and, except
39 for the housing of offices or equipment in connection with the initial
40 acquisition of an existing state mass transit system or the leasing of
41 land by the Connecticut Marketing Authority for a term of one year or
42 more in which cases the actions of the Department of Transportation
43 and the Connecticut Marketing Authority shall be subject to the review
44 and approval of the State Properties Review Board. The Commissioner
45 of Public Works shall have the power to establish and implement any
46 procedures necessary for the commissioner to assume the
47 commissioner's responsibilities as said sole bargaining agent for state
48 realty acquisitions and shall perform the duties necessary to carry out
49 such procedures. The Commissioner of Public Works may appoint,
50 within the commissioner's budget and subject to the provisions of

51 chapter 67, such personnel deemed necessary by the commissioner to
52 carry out the provisions hereof, including experts in real estate,
53 construction operations, financing, banking, contracting, architecture
54 and engineering. The Attorney General's office, at the request of the
55 commissioner, shall assist the commissioner in contract negotiations
56 regarding the purchase, lease or construction of real estate.

57 Sec. 2. Subsection (f) of section 4b-3 of the general statutes is
58 repealed and the following is substituted in lieu thereof (*Effective July*
59 *1, 2011*):

60 (f) The State Properties Review Board shall review real estate
61 acquisitions, sales, leases and subleases proposed by the
62 Commissioner of Public Works or proposed by the Chief Court
63 Administrator pursuant to the authority delegated to the Chief Court
64 Administrator by the Commissioner of Public Works, the acquisition,
65 other than by condemnation, or the sale or lease of any property by the
66 Commissioner of Transportation under subdivision (12) of section 13b-
67 4, subject to section 4b-23 and subsection (h) of section 13a-73 and
68 review, for approval or disapproval, any contract for a project
69 described in subsection (h) of section 4b-91. Such review shall consider
70 all aspects of the proposed actions, including feasibility and method of
71 acquisition and the prudence of the business method proposed. The
72 board shall also cooperate with and advise and assist the
73 Commissioner of Public Works and the Commissioner of
74 Transportation in carrying out their duties. The board shall have access
75 to all information, files and records, including financial records, of the
76 Commissioner of Public Works and the Commissioner of
77 Transportation, and shall, when necessary, be entitled to the use of
78 personnel employed by said commissioners. The board shall approve
79 or disapprove any acquisition of development rights of agricultural
80 land by the Commissioner of Agriculture under section 22-26cc. The
81 board shall hear any appeal under section 8-273a and shall render a
82 final decision on the appeal within thirty days thereafter. The written
83 decision of the board shall be a final decision for the purposes of
84 sections 4-180 and 4-183.

85 Sec. 3. Subsection (a) of section 4b-30 of the general statutes is
 86 repealed and the following is substituted in lieu thereof (*Effective July*
 87 *1, 2011*):

88 (a) The Commissioner of Public Works shall assign office space and
 89 provide necessary accommodations in state-owned facilities for state
 90 agencies, other than institutions, the Legislative Department and the
 91 Judicial Department. Subject to the provisions of section 4b-23, the
 92 commissioner shall execute all leases for offices or any other type of
 93 space or facility necessary to meet the needs of all state agencies, the
 94 Judicial Department, the Division of Criminal Justice, the Public
 95 Defender Services Commission and institutions. Any provisions of the
 96 general statutes to the contrary notwithstanding, the Commissioner of
 97 Public Works shall be the sole authority for negotiating such leases,
 98 provided any such leases, intending to provide for the needs of
 99 institutions, shall further be subject to the approval of the board of
 100 trustees of the institution involved and provided further, the
 101 Commissioner of Public Works shall expedite the handling of leases to
 102 meet emergency and short term needs. Subject to the provisions of
 103 section 4b-23, the commissioner may delegate authority to the Chief
 104 Court Administrator to negotiate and enter into leases for office, court
 105 or parking facilities for the Judicial Branch when the commissioner
 106 deems such delegation to be appropriate and such leases will be
 107 consistent with relevant real estate and contracting laws. For the
 108 purposes of this section, the term "Judicial Department" does not
 109 include the courts of probate, the Division of Criminal Justice and the
 110 Public Defender Services Commission, except where they share
 111 facilities in state-maintained courts.

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|-------------------------------------------------------------------------------|---------------------|----------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>July 1, 2011</i> | 4b-3(d) |
| Sec. 2 | <i>July 1, 2011</i> | 4b-3(f) |
| Sec. 3 | <i>July 1, 2011</i> | 4b-30(a) |

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill grants the Department of Public Works (DPW) the ability to delegate leasing authority to the Judicial Department. There is no fiscal impact to the DPW, as it is anticipated the agency will continue to handle the majority of the Judicial Department's leases.

There is no fiscal impact to the Judicial Department, as the agency has existing staff that will assume leasing responsibilities delegated by the DPW.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 1219*****AN ACT CONCERNING THE LEASING OF JUDICIAL BRANCH FACILITIES.*****SUMMARY:**

This bill expands the chief court administrator's authority to lease property for certain purposes to include leasing other real estate for the Judicial Branch if the Department of Public Works (DPW) commissioner delegates his leasing authority. The commissioner must decide that the delegation is appropriate and that the leases will comply with relevant real estate and contracting laws. Real estate leases the chief court administrator proposes must be reviewed and approved by the State Properties Review Board, as they are under current law when proposed by the DPW commissioner.

EFFECTIVE DATE: July 1, 2011

JUDICIAL BRANCH FACILITIES

The bill expands the chief court administrator's authority to represent the state in property matters, which currently cover contracts for space for:

1. Court Support Services Division staff implementing an alternative incarceration program (CGS § 54-103b);
2. juvenile justice system programs and services (CGS § 46b-121i);
3. probation treatment programs and services for juvenile offenders (CGS § 46b-121j);
4. programs, services, and facilities to prevent and reduce delinquency and crime among juvenile offenders (CGS § 46b-121k); and

5. early intervention projects for juvenile offenders (CGS § 46b-121l).

Under the bill, if authorized by the DPW commissioner, the chief court administrator can negotiate and enter leases for office, court, or parking facilities. Judicial Branch leases must conform to the state's facility plan and comply with its implementation.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 45 Nay 0 (04/15/2011)